

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOHN DOE, et al.,)	
Plaintiffs,)	
v.)	8:09CV456
STATE OF NEBRASKA, et al.,)	
Defendants.)	
JOHN DOE,)	
Plaintiff,)	
v.)	4:09CV3266
NEBRASKA STATE PATROL, et al.,)	
Defendants.)	
JOHN DOE,)	
Plaintiff,)	
v.)	4:10CV3005
STATE OF NEBRASKA, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

On May 14, 2012, Magistrate Judge Cheryl R. Zwart entered a memorandum and order (filing [447](#) in Case No. 8:09CV456) in which she determined that certain documents listed in Defendants' privilege log (*i.e.*, Document Nos. 1a, 1b, 2, and 3 of Exhibit C) are protected by the deliberative process privilege and are not subject to discovery by Plaintiffs, but that the remaining documents are not privileged and must be produced by Defendants.¹ On May 23, 2012, Defendants filed a statement of objections (filing [448](#) in Case No. 8:09CV456).

Pursuant to [28 U.S.C. § 636\(b\)\(1\)\(A\)](#), I have reviewed the portions of the memorandum and order to which objections have been made, and find that the

¹ The order directed Defendants to produce the documents by May 25, 2012. Magistrate Judge Zwart subsequently stayed the order pending the disposition of Defendants' statement of objections.

objections should be denied for the reason that the Magistrate Judge's findings of fact and conclusions of law are not clearly erroneous or contrary to law.² Accordingly,

IT IS ORDERED that:

- (1) the Magistrate Judge's memorandum and order (filing [447](#) in Case No. 8:09CV456) shall not be disturbed and is hereby sustained;
- (2) Defendants' statement of objections to the aforesaid memorandum and order (filing in [448](#) Case No. 8:09CV456) is denied; and
- (3) the stay of the Magistrate Judge's order is lifted and Defendants shall produce all non-privileged documents on or before June 15, 2012.

June 1, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

² To the extent the appropriate standard of review is de novo, I have conducted a de novo review.